

# , PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (page 2)

Applicant's or agent's file reference  
see form PCT/ISA/220

### FOR FURTHER ACTION

See paragraph 2 below

International application No.  
PCT/DE2004/002462

International filing date (day/month/year)  
11/4/2004

Priority date (day/month/year)  
11/5/2003

International Patent Classification (IPC) or both national classification and IPC  
G05B15/02, G06F11/36

Applicant

ROBERT BOSCH GMBH

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/

Authorized officer

Kuntz, J-M

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/DE2004/002462

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format  
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

BEST AVAILABLE COPY

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

Box No. II    Priority

1. ☐ The following document has not yet been furnished:
- ☐ copy of the earlier application whose priority has been claimed (Rules 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rules 43*bis*.1 and 66.7(b)).
- Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☒ The International Searching Authority was unable to verify the validity of the priority claim since at the time of the search it had no copy available of the earlier application the priority of which is claimed (Rule 17.1). This opinion was nevertheless prepared on the assumption that the date relevant for the examination is the claimed date of priority.
4. Additional observations, if necessary:

BEST AVAILABLE COPY

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/DE2004/002462

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

|                               |        |                |     |
|-------------------------------|--------|----------------|-----|
| Novelty (N)                   | Claims | 3, 5-11        | YES |
|                               | Claims | 1, 2, 4, 12-15 | NO  |
| Inventive step (IS)           | Claims |                | YES |
|                               | Claims | 1-15           | NO  |
| Industrial applicability (IA) | Claims | 1-15           | YES |
|                               | Claims |                | NO  |

2. Citations and explanations:

see supplementary page

**BEST AVAILABLE COPY**

IP12 Rec'd PCT/PTO 05 MAY 2006

Re Point V

Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-4,866,665 (Haswell-Smith et al.), September 12, 1989 (9/12/1989).

D2: International Business Machines Corporation:  
"Method for allowing multiple breakpoints on a processor with a single breakpoint address register," Research Disclosure, Kenneth Mason Publications, Hampshire, GB, vol. 462, no. 142, October 2002 (10/2002), XP007131439 ISSN: 0374-4353.

2. The present application fails to meet the requirements of Article 33(1) PCT because the object of Claims 1, 12 through 13 is not novel in the sense of Article 33(2) PCT.

2.1 Document D1 discloses a method

- *for simulation of functions* (see column 6, lines 65 to 67 where a "user program" is started, whereby this starting is regarded as simulation)  
*for controlling operating sequences* (the "user program" is suitable for controlling operating sequences),
- *whereby the functions access at least one global variable of a program for control,*
- *in which at least one simulation function* (the "software monitor") is provided, accessing the at least one global variable (with the instruction MDM,

see Appendix A and column 7, lines 54 to 64) via at least one software breakpoint (column 6, lines 60 to 64).

Consequently the object of Claim 1 is not novel in comparison with the disclosure content of D1.

- 2.2 Claims 12 and 13 each relate to a device and a control unit having the same features as method Claim 1.

Consequently the object of these claims is also not novel in comparison with the disclosure of D1.

3. The present application fails to meet the requirements of Article 33(1) PCT, because the object of Claims 14 and 15 is not based on an inventive step in the sense of Article 33(3).

The creation of a computer program product or a computer program for performing a known method according to Claim 1 is not based on an inventive step.

4. The dependent Claims 2 through 11 do not include any features which in combination with the features of any claim to which they refer fulfill the requirements of PCT with regard to novelty and/or inventive step, documents D1 and D2 and the corresponding text passages as cited in the Search Report.